

FILED: June 11, 2007

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-6241  
(1:05-cv-00067)

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**FILED**  
ASHEVILLE, N.C.  
**JUN 13 2007**  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

In Re: VINCENT BRADFORD EARL,

Petitioner,

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O R D E R

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Vincent Bradford Earl petitions for a writ of mandamus, asserting excessive delay and seeking an order directing the district court to rule on his habeas petition pending with no significant action since March 28, 2006, in the Western District of North Carolina, Case No. 1:05-cv-00067. The court directs that Judge Graham C. Mullen respond to the attached mandamus petition. The response is due no later than thirty days after the date of this order.

For the Court

/s/ PATRICIA S. CONNOR  
CLERK

In The United States Court of Appeals  
For the Fourth Circuit

File No. 1:05-CV-67-2-MU

FILED

FEB 20 2007

US Court of Appeals  
4th Circuit

Vincent B. EARL

Petitioner

VS

Theodis Beck, Secretary of Prisons,  
Respondent.

- Petitioner's Motion of  
Mandamus -

Now comes the Above mentioned Petitioner, whom ~~IS~~  
~~is~~ ~~inmate~~ incarcerated within the North Carolina  
Department of Corrections, Date of conviction during  
sentencing was June 12, 2003, whom filed a —  
'Petition Under 28 U.S.C. § 2254, For writ of —  
Habeas corpus, By a State Prisoner" on the Date of  
MARCH 18, 2005, Nearly "22" Months Ago.

The Petition ~~IS~~ challenging the Illegal sentence  
the Petitioner ~~IS~~ Now serving along with  
Ineffective assistance of counsel.

The Petition was filed in "the U.S. District Court,  
of North Carolina, Western District of N.C.

The Petition within itself should've been Ruled  
on, and Decided on within a Timely fashion AS  
a matter of Law.

This Mandamus Holds the Required merit to be  
Responded to with All Due Diligence, of this Court.

(2)

This Mandamus is also within the "Federal Rules of Civil Procedures Rule #57, - Declaratory Judgement. Pursuant to Title 28 U.S.C. § 2201 - "The Court may order a Speedy Hearing of an Action for a Declaratory Judgement, and advance it on the calendar". Thus this Mandamus moves this Court to Adhear to the following Courts Decisions.

(Jones vs. Shell 572 F.2d 1278)

Prisoner filed a Habeas Corpus - 14 months the Petition was Delayed - the Court stated: "We find a Flagrant Violation of our Mandate of Jan 13, 1977, by the District Court, in failing to Act within a Reasonable time upon this Courts order of Remand.

In re vs. Blodgett 502 U.S. 236, 112 S.Ct. 674, 116 L.Ed.2d 1669, 60 USLW, 3470, 60 USLW 3476)

Johnson vs. Rodgers 917 F.3d 1283)

This Petitioner moves this Court to Enforce this Motion of Mandamus to Compelle the District Court to Act on Law, and Decide on the Above Docketed case, and to No longer Delay it's Rulings Accordingly

(3)

The Petitioner Has a clear, and ~~Indispensible~~  
Right to have and expeditiously heard and Decided  
Habeas Corpus, Petition AS a Matter of Law.

- Respectfully Submitted

This 14<sup>th</sup> Day of Feb. 2007  
By: Mr. Vincent B. Earl.